REMARKS

In view of the preceding amendment and the comments which follow, and pursuant to 37 CFR §1.111, amendment and reconsideration of the Official Action of October 9, 2003 is respectfully requested by Applicants.

Claims 16, 19, and 20 have been amended for clarity. No new matter has been added. Claims 27-30 have been cancelled.

Claims 16, 17, 19, 20, and 24-26 are currently pending.

Rejection under 35 USC §112, first paragraph

Claims 16, 17, 19, 20, and 24-26 have been rejected under 35 USC §112, first paragraph, because the specification, while being enabling for the genes citC, citD, citE, citF, and citG from *Klebsiella pneumoniae* in that order transformed into *E. coli* and the citX gene from *E. coli*, does not reasonably provide enablement for the instant claims. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention commensurate in scope with these claims.

The Examiner argues that nowhere in the specification is it taught that "at least four genes from Klebsiella pneumoniae" are included in the operable invention. These four genes could be entirely unrelated to citC, citD, citE, citF, and citG, or some of them could be. They could be in a different order, and Applicants have not shown this would be operable.

In response, Applicants have amended Claim 16 to clarify that the four genes derived from *Klebsiella pneumoniae* are selected from the recited gene cluster comprising the plasmid.

Applicants submit that their application is now in condition for allowance, and favorable reconsideration of their application in light of the above amendments and remarks is respectfully requested. Allowance of Claims 16, 17, 19, 20, and 24-26 at an early date is earnestly solicited.

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The Examiner is hereby authorized to charge any fees associated with this Amendment to Deposit Account No. 50-0877. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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CLAIMS LISTING 3/9/2004

What is claimed is:

1-15 (previously cancelled)

16. (currently amended) A method for the production of a protein with citrate lyase activity, said method comprising the steps of expressing a suitable plasmid in a host organism and isolating the protein in an active form~~;~~, wherein the plasmid ~~contains~~ comprises an inducible promoter and a gene cluster comprising the genes citC, citD, citE, citF, citX, and citG ~~and a DNA fragment obtainable from *E. coli* that is located between citF and citG on the *E. coli* citrate lyase gene cluster and an inducible promoter;~~ and wherein at least four of the genes citC, citD, citE, citF, and citG are derived from *Klebsiella pneumoniae.*

17. (previously amended) The method of claim 16, wherein the genes code for certain subunits of the protein having citrate lyase activity and for components that contribute to the biosynthesis of the complete enzyme.

18. (previously cancelled)

19. (currently amended) The method of claim 16, wherein one of the genes ~~or the DNA fragment~~ codes for a 20 kDa protein.

20. (currently amended) The method of claim 16, wherein one of the genes ~~or the DNA fragment~~ codes for a protein containing the motif X_1-R-L-X_2-D-X_3-D-V, wherein X_1 is optionally G or A, X_2 is any amino acid, and X_3 is optionally L or I.

21-23 (previously cancelled)

24. (previously presented) The method of claim 16, wherein the host organism is a eukaryotic or prokaryotic microorganism.

25. (previously presented) The method of claim 24, wherein the host organism is *E. coli.*

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26. (previously presented) The method of claim 16, wherein the expression occurs under aerobic conditions.

27-30 (cancelled)